

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C. A. No. 05-823-KAJ
	)	
STANLEY TAYLOR, et al.,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS TAYLOR, TALLEY AND ANSON’S  
ANSWER TO THE COMPLAINT**

COME NOW Defendants Stanley Taylor, Joyce Talley and Carl Anson (“Defendants”), by and through the undersigned counsel, and hereby answer the Complaint:

**II. Exhaustion of Administrative Remedies**

- A. Admitted.
- B. Admitted.
- C.
  - 1. Admitted.
  - 2. Admitted.

**III. Defendants**

- 1. Admitted that as of the date of the filing of this Answer, Defendant Stanley Taylor is the Commissioner of the Delaware Department of Correction (“DOC”).
- 2. Admitted that as of the date of the filing of this Answer, Defendant Joyce Talley is Bureau Chief of Management Services for DOC.

3. Denied that Tony Figario is the Chief of Inspections/Security for DOC.

[4.] Denied that Defendant Carl Anson is Chief of Maintenance at the Sussex Correctional Institution (“SCI”)

[5.]. Because DOC has been dismissed as a Defendant from this action, no response is required.

#### IV. Statement of Claim

As to sentence beginning “This is a class action:” Denied that this matter is a class action or that it meets the requirements of Fed. R. Civ. P. 23. Further denied that the current Plaintiffs have standing to assert claims on behalf of individuals who have not been recognized as plaintiffs in this action.

##### A. Physical Plant

Admitted that the kitchen consists of older and newer sections, both of which are equipped with commercial cooking and other equipment. The remaining allegations set forth in this paragraph are denied.

##### B. Inadequate Ventilation

Paragraph beginning “Well before the filing:” Denied.

Paragraph beginning “Defendants Taylor:” Denied.

Paragraph beginning “The consequences of failing:” Denied.

##### [C.] Deliberate Indifference

Paragraph beginning “Defendants fail:” Denied.

Paragraph beginning “Defendants have not:” Denied.

##### [D.] No Adequate Remedy at Law

Paragraph beginning “As a proximate result:” Denied.

**RELIEF**

1. It is specifically denied that Plaintiffs are entitled to compensatory, punitive or any monetary damages.
2. It is specifically denied that Plaintiffs are entitled to injunctive, declaratory or any other relief.
3. It is specifically denied that Plaintiffs are entitled to attorneys' fees.

**AFFIRMATIVE DEFENSES**

4. Plaintiffs have failed to state a claim upon which relief can be granted.
5. Defendants are immune from liability under the Eleventh Amendment.
6. Defendants are entitled to qualified immunity.
7. As to any claims under state law, Defendants are entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001, *et seq.*
8. As to any claims under state law, Defendants are entitled to sovereign immunity in their official capacities.
9. Defendants cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.
10. To the extent that Plaintiffs seek to hold Defendants liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 *U.S.C.* § 1983.
11. Defendants, in their official capacities, are not liable for alleged violations of Plaintiffs' constitutional rights as they are not "persons" within the meaning of 42 *U.S.C.* § 1983.
12. Insufficiency of service of process.

13. Insufficiency of process.
14. Lack of jurisdiction over the person and subject matter.
15. This cause of action is barred by the applicable statute of limitations.
16. These *pro se* Plaintiffs cannot represent their fellow inmates in a class action.

WHEREFORE, Defendants Stanley Taylor, Joyce Talley and Carl Anson respectfully request that judgment be entered in their favor and against Plaintiffs as to all claims and that attorney fees be awarded to them.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly  
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Attorney for Defendants Stanley Taylor,  
Joyce Talley and Carl Anson

Date: September 8, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2006, I electronically filed *Defendants Stanley Taylor, Joyce Talley and Carl Anson's Answer to the Complaint* with the Clerk of Court using CM/ECF. I hereby certify that on September 8, 2006, I have mailed by United States Postal Service, the document to the non-registered parties on the attached list.

/s/ Eileen Kelly  
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